

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW
YORK
BROOKLYN OFFICE

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PHOENIX ENERGY MANAGEMENT, INC.,

Plaintiff,

-against-

MAVERICK ENGINEERED PRODUCTS LLC
and ERIC BUTLER,

Defendants.
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NOT FOR PUBLICATION
MEMORANDUM & ORDER
21-CV-0320 (CBA) (RM)

AMON, United States District Judge:

Plaintiff Phoenix Energy Management, Inc. brought this breach of contract action against Defendants Maverick Engineered Products LLC and Eric Butler in state court on November 24, 2020. (See ECF Docket Entry (“D.E.”) # 1.) Defendants removed the action to this Court on the ground that the parties are citizens of different states and the amount in controversy exceeds \$75,000. (See id.) On January 29, 2021 the Honorable Roanne L. Mann, United States Magistrate Judge, issued an Order to Show Cause advising the parties that Defendants had failed to adequately allege complete diversity of the parties. (See D.E. dated 1/29/2021.) Defendants failed to respond to Magistrate Judge Mann’s direction to show cause why this case should not be remanded for lack of subject matter jurisdiction. On February 10, 2021, Magistrate Judge Mann issued a thorough and well-reasoned report and recommendation (“R&R”) recommending that the case be remanded back to the Supreme Court, Kings County, for lack of subject matter jurisdiction. (D.E. # 6 at 1–2.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only

satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the R&R. Accordingly, the Court sua sponte remands the instant action back to the Supreme Court, Kings County for lack of jurisdiction. The Clerk of Court is respectfully directed to mail a certified copy of this order to the Clerk of Court for the Supreme Court, Kings County.

SO ORDERED.

Dated: February 25, 2021
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge